

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PILKINGTON NORTH AMERICA, INC., :

Plaintiff, :

-against- :

**ORDER**

MITSUI SUMITOMO INSURANCE : 18-CV-8152 (JFK) (KNF)  
COMPANY OF AMERICA and AON RISK  
SERVICES, INC., :

Defendants. :

-----X  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

Before the Court is a joint motion for an order pursuant to Rule 502(d) of the Federal Rule of Evidence. The parties assert that “[t]hird-party defendants Aon UK Limited and Nippon Sheet Glass Co., Ltd. do not oppose this Motion, subject to and without waiver of the arguments in their pending motions to dismiss, including without limitation their objections to personal jurisdiction. (Dkt. Nos. 186-187, 190, and 210-215.)” The parties “request that the Court enter the proposed 502(d) order attached hereto as Exhibit A.”

Upon review of the parties’ submissions, the Court finds that granting the motion, Docket Entry No. 229, is warranted and orders the following, pursuant to Rule 502(d) of the Federal Rules of Evidence:

1. The production, disclosure, or exchange of privileged or work-product protected documents or electronically stored information made after the entry of this Order, whether inadvertent or otherwise, shall not constitute a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding, so long as, within a reasonable time after another party brings such disclosure to the attention of the party claiming privilege or protection, the party claiming privilege or protection serves a request on all parties to which the privileged or protected information has been disclosed, identifying the subject materials and the privilege involved, and (pursuant to Federal Rule of Civil Procedure 26(b)(5)(B)) seeks the return, sequestration, or destruction of all copies of the subject materials.

Subject to the above limitations, this Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

2. The protections in this Order shall also apply to documents and electronically stored information produced, exchanged, or disclosed by any party in connection with this case prior to the date of this Order, but only to the extent that such protections have not already been waived by conduct that is inconsistent with any privilege or protection asserted.

Dated: New York, New York  
May 5, 2021

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE